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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,509	10/21/2003	Nahoko Takano	017446-0335	8654

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FOLEY AND LARDNER LLP
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EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
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2616

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05/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/689,509	Applicant(s) TAKANO ET AL.	
	Examiner Prenell P. Jones	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-20 and 28-33 is/are rejected.
- 7) ☒ Claim(s) 16 and 21-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to **150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15, 17-20 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US Pat 6,674,739) in view of Kumar et al (US Pat 6,757,270).

Regarding claim 1, 5, 15, 17-19, 20 and 29-33 Lee et al discloses (US Pat 6,674,739) managing routing of packet data via state updating and state monitoring associated in a mobile communication environment operating in CDMA, wherein the architecture includes communication between base station (BS) and mobile station (MS), whereby control messages are communicated, mobile station and base station consist of transmit/receive section, mobile and BS consisting of a plurality of data packet service states such as packet received state, suspended state, active state, and state is updated with respect to active state associated when packet can be received and state updated with respect to suspend state when the packet can not be received (Figs. 1-3, col. 5, line 55-67, col. 6, line 1-67).

However, Lee is silent on updating section set with respect to TR/RCV state update information.

In a high-speed packet data environment, Kumar discloses monitoring change in status/updating states; Kumar discloses updating section set with respect to TR/RCV state update information (col. 10, line 24 thru col. 12, line 40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement is silent on updating section set with respect to TR/RCV state update information as taught by Kumar with the teachings of Lee for the purpose of further managing packet routing with respect to changes in system status/states as to minimize latency.

Regarding claims 2-4, Lee further discloses transmission of communication dedicated physical channel data on dedicated physical channels (Fig. 3A, 3B, col. 5).

Regarding claim 6-14, Lee further discloses control signals being represented by acknowledgment and monitoring QoS of (Fig. 7A and 7B, 8, Table 2, col. 10, line 1-67, col. 11, line 24-67, col. 12, line 4-67) provided to system.

Allowable Subject Matter

3. Claims 21-27 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: Although the combined cited prior art of Lee and Kumar discloses managing the routing of packet data in a mobile communication environment via updating packet service states as associated with utilizing dedicated channels, they fail to teach or suggest with respect to claim 16, detect information of MS ID contained in an HS-SCCH and determines whether the MS ID coincides with a reception MS ID of a MS that has received the HS-SCCH, with respect to claim 21, a mobile including a DL data determination section that determines the absence or presence of transmission on second data by using control messages transmitted by a third channel, with respect to claim 25, mobile stops TR/RCV section stops transmitting at least one of the third channel and the second channel at a predetermined timing and a BS includes a CQI that determines transmission of second data by using an error detection result of at least a third and second channel, with respect to claim 26, mobile stops TR/RCV section stops transmitting at least one of the third channel and the second channel at a predetermined timing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

April 30, 2007

pg



CHI PHAM
SUPERVISOR, PATENT EXAMINER

4/30/07